

**MEDICAL EXAMINING BOARD  
MINUTES  
SEPTEMBER 15, 2010**

**PRESENT:** Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Jerold Harter, MD; Jack Lockhart, MD; Raymond Mager, DO; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Sheldon Wasserman, MD

**EXCUSED:** Sujatha Kailas, MD; Ian Munro, MD

**STAFF:** Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

**GUESTS:** Anne Hletko, Council on Physician Assistants; Mark Grapentine, Wisconsin Medical Society

**CALL TO ORDER**

Sandra Osborn, Vice Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

**APPROVAL OF THE AGENDA**

**Amendments:**

- Item 6h – Request from the Wisconsin Hospital Association for Gene Musser to speak at their October 28, 2010 meeting
- Item 6l – Practice Question for Board Review – insert after page 16
- DRLink Newsletter – insert after page 38
- Consideration of Complaint in Case no. 08 MED 091 – Case Advisor –Mager - insert after page 74 (closed session)
- Proposed Stipulation – Inserted after page 74 (closed session)
  - Kyle O. Mounts, MD – 08 MED 318 – Case Advisor – Harter
- Request For Waiver of 12 Months of ACGME Approved Post Graduate Training Based On Education and Training – Betty A Van Leuven, MD – insert after page 74 (closed session)
- Petition to Vacate Order – Frederic L. Hildebrand, Jr. MD – 07 MED 215 – insert after page 124 (closed session)
- Consulting with Legal Counsel (closed session) – Status of Mandamus Petition
- Case Status Report – insert at the end of the agenda packet (closed session)

**MOTION:** Suresh Misra moved, seconded by Raymond Mager, to approve the agenda as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES OF AUGUST 18, 2010**

### **Corrections:**

- On page 5, under OUTREACH COMMITTEE REPORT, in the third line, delete “November” and replace with “October”
- On page 7, under NEVINE MAHMOUD, MD, in the third line, after “requirement” insert “to the Board’s satisfaction.”
- On page 7, under KENNETH J KURT, DO, in the first motion, insert “Wasserman” after “Sheldon”

**MOTION:** Carolyn Bronston moved, seconded by LaMarr Franklin, to approve the minutes of August 18, 2010 as corrected. Motion carried unanimously.

## **ITEMS RECEIVED AFTER MAILING OF AGENDA**

### **PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER**

**KYLE O MOUNTS, MD  
08 MED 318**

Attorney Jack Zwieg, DOE, presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Kyle O Mounts. This matter will be deliberated in closed session.

### **REQUEST FROM WISCONSIN HOSPITAL ASSOCIATION**

Gene Musser has been asked to speak at the October 28 meeting of the WHA regarding the Medical Examining Board.

**MOTION:** Jack Lockhart moved, seconded by Jerold Harter, to approve Gene Musser to speak at the October 28 meeting of the Wisconsin Hospital Association. Motion carried unanimously.

### **PRACTICE QUESTION FOR BOARD REVIEW**

The Board reviewed the practice question from Steven Weiss, MD and the proposed answer. By consensus, the Board approved the answer and to have this information added to the FAQ’s on the website.

## **ITEMS FOR BOARD DISCUSSION**

### **WIS ADMIN CODE § MED 10 SCOPE STATEMENT**

The workgroup members are Gene Musser, Sheldon Wasserman and LaMarr Franklin. Dr. Musser reported the workgroup has not yet met.

**REQUEST FOR VARIANCE OF SUPERVISION OF PHYSICIAN ASSISTANTS IN  
WIS ADMIN CODE MED § 10 BY ARVIND AHUJA, MD**

Attorney Michelle Bergholz Frazier appeared before the Board on behalf of Arvind Ahuhja, MD, and his request for a variance of supervision of physician assistants. Anne Hletko, Chair, Council on Physician Assistants, provided some background on the supervision of physician assistants.

**MOTION:** Sheldon Wasserman moved, seconded by Jude Genereaux, to deny the request from Arvind Ahuja, MD, for a variance of supervision of physician assistants. Motion failed by a vote of three (3) to nine (9).

**MOTION:** Gene Musser moved, seconded by Suresh Misra to approve the request from Arvind Ahuja, MD, for a variance of supervision of physician assistants to a limit of three (3) physician assistants in the clinical setting only. Motion carried by a vote of six (6) to five (5).

**AUGUST 19 ADMINISTRATIVE RULES REPORT AND RULE WRITING TIMELINE**

Tom Ryan and Michael Berndt reviewed the August 19 Administrative Rules Report and rule writing timelines with the Board.

**ADMINISTRATIVE MATTERS**

**Voucher and Per Diem Documents**

Board members are asked to put all completed travel vouchers and per diem reports in the basket on the bureau assistant's table at the end of each meeting.

**October 20 Meeting at the Medical College of Wisconsin**

The October 20, 2010 Board meeting at the Medical College of Wisconsin will start at 12:30 p.m. to encourage students and faculty to attend. The State Senator and Representative from that district have been invited to attend.

**Report on August 20 Wisconsin Medical Society Council on Ethics Meeting**

Gene Musser gave a presentation on the recommended changes to the Provider Assistance Program at the August 20 meeting of the Wisconsin Medical Society Council on Ethics.

**Report on August 21 FSMB Special Committee on Re-Entry to Practice Meeting**

Gene Musser reported the FSMB Special Committee on Re-Entry to Practice continues to discuss this issue, however no work product has been completed at this time. When completed, the work product recommendations will be brought before the FSMB Board in February for review.

### **November 11-12 Citizen Advocacy Center 2010 Annual Meeting**

The Board reviewed the information regarding the Citizen Advocacy Center 2010 Annual Meeting to be held November 11-12, 2010 in Washington, DC.

### **November 4-5, 2010, FSMB Board Attorney Workshop**

The Board reviewed the information regarding the FSMB Board Attorney Workshop to be held November 4-5, 2010 in San Francisco.

**MOTION:** Jerold Harter moved, seconded by Raymond Mager, to approve Michael Berndt to attend the FSMB Board Attorney Workshop on November 4-5, 2010 in San Francisco, California. Motion carried unanimously.

### **FSMB Visit in January and January Meeting Planning**

Dr. Kailas has invited representatives from the FSMB to attend the January 19, 2011 Board meeting. Following a break for lunch, the FSMB will give a presentation (approximately two hours) to the Board and DOE Attorney Stach may be asked to give a brief presentation on the role of the case advisor. Oral examinations will be done the day before the meeting.

### **Board Outreach Activities**

Sandra Osborn stated there was no report at this time.

## **SCREENING PANEL REPORT**

LaMarr Franklin reported 21 cases were screened and 7 cases were opened.

## **INFORMATIONAL ITEMS**

The informational items were noted. Sheldon Wasserman has been appointed by the Joint Legislative Council to the Special Committee on Healthcare Access. Tom Ryan has been appointed as the DRL liaison. The next meeting will be October 1 in Marshfield followed by a meeting on October 21 in Milwaukee.

## **PUBLIC COMMENTS**

None.

## **OTHER BUSINESS**

None.

### **RECESS TO CLOSED SESSION**

**MOTION:** James Conterato moved, seconded by Jerold Harter, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux yes; Jerold Harter-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 9:36 a.m.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Carolyn Bronston moved, seconded by Sheldon Wasserman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:24 a.m.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

**MOTION:** Suresh Misra moved, seconded by Jack Lockhart, to reaffirm all motions made in closed session. Motion carried unanimously.

### **PROPOSED STIPULATION, FINAL DECISION AND ORDER**

**KYLE O MOUNTS, MD  
08 MED 318**

**MOTION:** Jack Lockhart moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Kyle O. Mounts, MD. Motion carried unanimously.

### **PROPOSED DECISION AND ORDER**

**SARA M PANGRAZZI, RCP  
DHA CASE NO. DRL-10-0010/08 MED 129**

**MOTION:** Carolyn Bronston moved, seconded by Raymond Mager, to adopt the Proposed Decision and Order in the disciplinary proceedings against Sara M. Pangrazzi, RCP. Motion carried unanimously.

## **CONSIDERATION OF COMPLAINTS**

### **07 MED 326**

**MOTION:** Carolyn Bronston moved, seconded by Raymond Mager, to find probable cause to issue a complaint in the matter of **07 MED 326**. Motion carried unanimously.

### **08 MED 066**

**MOTION:** Carolyn Bronston moved, seconded by Suresh Misra, to find probable cause to issue a complaint in the matter of **08 MED 066**. Motion carried. Sheldon Wasserman abstained.

### **08 MED 091**

**MOTION:** Carolyn Bronston moved, seconded by Gene Musser, to find probable cause to issue a complaint in the matter of **08 MED 091**. Motion carried. Raymond Mager abstained.

### **08 MED 169**

**MOTION:** Sheldon Wasserman moved, seconded by LaMarr Franklin, to find probable cause to issue a complaint in the matter of **08 MED 169**. Motion carried. Raymond Mager abstained.

### **09 MED 314**

**MOTION:** Jerold Harter moved, seconded by Jack Lockhart, to find no probable cause and to reject the complaint in case **09 MED 314**. Motion carried. James Conterato abstained.

## **ADMINISTRATIVE WARNINGS**

### **06 MED 097**

**MOTION:** Gene Musser moved, seconded by LaMarr Franklin, to issue an Administrative Warning in case **06 MED 097**. Motion carried unanimously.

**REQUEST FOR WAIVER OF 12 MONTHS OF APPROVED ACGME APPROVED  
POST GRADUATE TRAINING BASED ON EDUCATION AND TRAINING**

**BETTY A VAN LEUVEN, MD**

**MOTION:** Raymond Mager moved, seconded by Carolyn Bronston, to grant the request for a waiver of the 12 months of approved ACGME approved post graduate training to Betty A. Van Leuven, MD, based on her education and training. Motion carried unanimously.

**MONITORING**

**STEPHEN MASON, MD**

**MOTION:** Jude Genereaux moved, seconded by James Conterato, to grant the request for full licensure to Stephen Mason, MD. Motion carried unanimously.

**BRADLEY J SCHINGEN, RCP**

**MOTION:** Gene Musser moved, seconded by Suresh Misra, to grant the request for a reduction in AODA treatment sessions to once per month to Bradley J. Schingen, RCP. Motion carried unanimously.

**MILAN JORDAN, MD**

**MOTION:** Jerold Harter moved, seconded by Suresh Misra, to grant the request for a reduction in drug screens to once per month to Milan Jordan, MD. Motion carried unanimously.

**REQUEST TO VACATE ORDER**

**FREDERIC L HILDEBRAND, JR, MD  
07 MED 215**

**MOTION:** Jerold Harter moved, seconded by Suresh Misra, to deny the request to reopen case 07 MED 215 and to vacate the Order in the disciplinary proceedings against Frederic L. Hildebrand, Jr. MD. Motion carried unanimously.

**CASE CLOSINGS**

**08 MED 064**

**MOTION:** Carolyn Bronston moved, seconded by James Conterato, to close case **08 MED 064** for insufficient evidence. Motion carried unanimously.

**10 MED 076**

**MOTION:** Sheldon Wasserman moved, seconded by Suresh Misra, to close case **10 MED 076** for no violation. Motion carried unanimously.

**08 MED 333**

**MOTION:** Sheldon Wasserman moved, seconded by LaMarr Franklin, to close case **08 MED 333** for no violation. Motion carried unanimously.

**09 MED 030**

**MOTION:** James Conterato moved, seconded by Gene Musser, to close case **09 MED 030** for insufficient evidence. Motion carried unanimously.

**10 MED 059**

**MOTION:** Suresh Misra moved, seconded by Sheldon Wasserman, to close case **10 MED 059** for no violation. Motion carried unanimously.

**RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Gene Musser moved, seconded by LaMarr Franklin, to ratify all licenses and certificates presented. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Suresh Misra moved, seconded by Jack Lockhart, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:26 a.m.

**THE NEXT BOARD MEETING IS OCTOBER 20, 2010  
TO BE HELD AT THE MEDICAL COLLEGE OF WISCONSIN, MILWAUKEE, WI**